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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,511	11/27/2001	Kazumasa Kokura	Q67454	8138

7590 07/25/2003  
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicant(s)

09/993,511

Applicant(s)

KOKURA, KAZUMASA

Examiner

Jacques H. Louis-Jacques

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 12-14 and 18 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9-11 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendments & Arguments***

1. The amendments along with the arguments and the certified translation of the foreign priority document have been entered and carefully considered by the examiner.

In light of the amendments, the objections to the specification and the claims have been withdrawn.

Applicant requested the acknowledgement receipt and the indicated approval of the drawing. The status of the drawings will be addressed below.

Applicant has submitted a certified translation of the foreign priority document in order to perfect the claim to foreign of the Japanese document.

In light of the certified translation, which perfects the claim for foreign priority, the reference WO 00/76902 to Nishikawa et al is not prior art against the claims of the present application. In light of the above, the rejections under 102(a) and 103(a) have been withdrawn.

Upon reconsidering the claims in light of applicant's remarks and the available prior art, some claims of the present application are found to be unpatentable over the prior art of record.

While the reference to Nishikawa et al has been removed as prior art against the claims, the patent to Hirooka et al discloses the limitations for which the Nishikawa et al had been used.

Accordingly, these claims are being rejected and the rejections and objections are applied as follows:

***Drawings***

2. Figures 31A, 31B and 32 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: On page1, "Fig. 31" should be changed to either --Fig 31A -- or --Fig. 31B--, accordingly.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2-4, 8, 12-14 and 18 are rejected under 35 U.S.C. 102b) as being anticipated by Hirooka et al [5,325,935].

Hirooka et al 1 discloses that the reach forklift comprises a body (figure 1) a wheel disposed to the body (figure 1, 11) a cargo carrier table attached to the front end of the body (figure 1, item 4) and a mode switch section for switching between a normal of

operation and a turning mode (column 7; figure 12, item 400). According to Hirooka et al, the reach forklift (the body) is able to turn about the vicinity of the straddle arms. In addition, Hirooka et al discloses the vehicle (body) can be turned about either the left or right as the center of turn. According further to Hirooka et al, there is provided mode select switch through which an operator can arbitrarily select one of plural travel modes. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the side fork type transportation vehicle of Nishikawa et al by incorporating the features from the reach forklift of Hirooka et al because such modification as suggested by Hirooka et al, would provide a forklift or cargo vehicle which allows its travel direction to be freely changed, and which can change the attitude angle with respect to the changed directions and travel with an extremely high degree of freedom, thereby improving the efficiency of cargo work.

#### ***Allowable Subject Matter***

6. Claims 5-7, 9, 10-11, 15-, 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj  
July 21, 2003

  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER